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**REMARKS/ARGUMENTS**

Applicants have amended the claims to recite that the suture positioned within the containment compartment is one that is absorbable under physiological conditions. No new matter has been incorporated into the application as a result of the amendments made herein.

**Rejection under 35 USC 103 based on Kaplan et al in view of Anders et al and Gaffney, and further in view of Kurtz**

The Examiner has rejected claims 1-4 as being unpatentable over Kaplan et al in view of Anders et al and Gaffney, and further in view of Kurtz. Specifically, the Examiner has alleged that "it would have been obvious to one of ordinary skill in the art...to provide antimicrobial properties to the containment compartment of Kaplan, as taught by Anders, because it prevents microbial growth in the suture package during storage."

Anders et al state that "[t]he articles of [Anders et al] also have particular use in pharmaceutical research and production where equipment, including containers, pipelines, packaging articles, and dispatch articles, must be nearly free of microbes." This reference further teaches the use of a cyanoethylated hydroxyalklycellulose for this purpose.

Kaplan et al teach the use of gentamicin sulphate, erythromycin or derivatized glycopeptides as an antimicrobial agent that may be used to impart antimicrobial properties to its braided suture.

Although it may be generally desirable to provide antimicrobial properties to the containment compartment of Kaplan, as suggested by the Examiner, there is no teaching or suggestion that the antimicrobial agent of Kaplan et al would be suitable for packaging, or that the cyanoethylated hydroxyalklycellulose antimicrobial agent of Anders et al would be suitable for the absorbable suture of the present invention.

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Further, the Examiner has alleged that "it would have been obvious to one of ordinary skill in the art to use any well known antimicrobial agent, including the agent taught by Gaffney, because using a particular antimicrobial agent would be a mere design choice..."

Applicants disagree with this statement by the Examiner. Specifically, the Examiner has failed to identify any teaching or suggestion in the prior art that the gentamicin sulphate, erythromycin or derivatized glycopeptides suggested by Kaplan et al, is equivalent to the cyanoethylated hydroxyalklycellulose taught by Anders et al or the antimicrobial agent of Gaffney. In the absence of such a teaching or suggestion, the Examiner has improperly used hindsight to reconstruct Applicants' invention. Accordingly, a prima facie case of obviousness has not been properly established by the Examiner and withdrawal of the rejection is requested.

Respectfully submitted,

/Blossom E. Loo/

By: \_\_\_\_\_

Blossom E. Loo  
Reg. No. 36,858

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1596  
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